

1 children, and so forth. This agreement is incorporated
2 into the decree, and is enforceable by the courts.

3 Now, there were early decisions which held that
4 an agreement between husband and wife and incorporated
5 in a divorce proceeding by decree, where it involved this
6 agreement and it was not carried out by the husband, a
7 court could not hold that person in contempt and imprison
8 him because it was held by the Court of Appeals to be a
9 debt and not a duty.

10 Now, remember, if a wife in open court is awarded
11 alimony by the judge and the husband refuses to pay it at
12 a later time, this is a duty and not a debt, and the man
13 can be imprisoned for contempt of court. In these other
14 cases, which are a considerable part of the practice of
15 domestic relations, they could not.

16 To meet this situation, the Legislature recommended
17 and the State of Maryland adopted back in 1952 additional
18 language which said, "A valid decree of a court of competent
19 jurisdiction or agreement approved by decree of such court
20 for support of a wife or dependent children shall not
21 constitute a debt within the meaning of this section."